

STAR-SPANGLED BANNER NATIONAL HISTORIC TRAIL  
ACT

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JULY 23, 2007.—Committed to the Committee of the Whole House on the State of  
the Union and ordered to be printed

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Mr. RAHALL, from the Committee on Natural Resources,  
submitted the following

R E P O R T

[To accompany H.R. 1388]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 1388) to amend the National Trails System Act to designate the Star-Spangled Banner Trail in the States of Maryland and Virginia and the District of Columbia as a National Historic Trail, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Star-Spangled Banner National Historic Trail Act”.

**SEC. 2. AUTHORIZATION AND ADMINISTRATION OF TRAIL.**

Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) is amended by adding at the end the following:

“(\_\_\_\_\_) STAR-SPANGLED BANNER NATIONAL HISTORIC TRAIL.—

“(A) IN GENERAL.—The Star-Spangled Banner National Historic Trail, a trail consisting of water and overland routes totaling approximately 290 miles, extending from Tangier Island, Virginia, through southern Maryland, the District of Columbia, and northern Virginia, in the Chesapeake Bay, Patuxent River, Potomac River, and north to the Patapsco River, and Baltimore, Maryland, commemorating the Chesapeake Campaign of the War of 1812 (including the British invasion of Washington, District of Columbia, and its associated feints, and the Battle of Baltimore in summer 1814), as generally depicted on the map titled ‘Star-Spangled Banner National Historic Trail’, numbered T02/80,000, and dated June 2007.

“(B) MAP.—The map referred to in subparagraph (A) shall be maintained on file and available for public inspection in the appropriate offices of the National Park Service.

“(C) ADMINISTRATION.—Subject to subparagraph (E)(ii), the trail shall be administered by the Secretary of the Interior.

“(D) LAND ACQUISITION.—No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the United States for the trail except with the consent of the owner of the land or interest in land.

“(E) PUBLIC PARTICIPATION.—The Secretary of the Interior shall—

“(i) encourage communities, owners of land along the trail, and volunteer trail groups to participate in the planning, development, and maintenance of the trail; and

“(ii) consult with other affected landowners and Federal, State, and local agencies in the administration of the trail.

“(F) INTERPRETATION AND ASSISTANCE.—Subject to the availability of appropriations, the Secretary of the Interior may provide, to State and local governments and nonprofit organizations, interpretive programs and services and technical assistance for use in—

“(i) carrying out preservation and development of the trail; and

“(ii) providing education relating to the War of 1812 along the trail.”.

#### PURPOSE OF THE BILL

The purpose of H.R. 1388 is to amend the National Trails System Act to designate the Star-Spangled Banner Trail in the State of Maryland, the Commonwealth of Virginia and the District of Columbia as a National Historic Trail.

#### BACKGROUND AND NEED FOR LEGISLATION

H.R. 1388 would designate the Star-Spangled Banner Trail in Maryland, Virginia and the District of Columbia as a national historic trail to commemorate the events of the Chesapeake campaign in America’s war against the British from 1812–1814.

The United States declared war on Britain in June 1812, after enduring years of naval blockades, trade restrictions with the European continent, and the seizure of American ships and sailors in the ongoing war between Britain and France. With only a small army and practically no navy, the young nation was ill-prepared to face Britain—then the world’s preeminent naval power.

The war was fought in the West and along the Canadian border with Indian allies on both sides. Along the Atlantic Coast, a punishing British naval blockade devastated American agricultural trade. In 1814, a series of British raids along the shores of the Chesapeake Bay culminated in the burning of Washington.

In September of that year, the British turned on Baltimore, a busy port and a key base for the privateers who had been plaguing British ships in the West Indies. At Fort McHenry, the British met fierce resistance and were repelled.

Today, many historians see the War of 1812 as the definitive end of the American Revolution—so much so that the war is sometimes referred to as America’s “Second War of Independence.”

H.R. 1388 would establish a series of routes and water trails totaling approximately 290 miles. The trail would trace the historic routes used by British and American troops during the war—from the invasion of Maryland to the battle of Bladensburg and the June 1814 battles between the British Navy and the American Chesapeake Flotilla in St. Leonard’s Creek in Calvert County.

The trail would end in Baltimore at Fort McHenry, where in 1814 Georgetown lawyer Francis Scott Key, watching from the harbor as the fort endured a 25-hour bombardment, wrote the poem that would become our national anthem.

H.R. 1388 follows a National Park Service (NPS) feasibility study ordered by the 106th Congress (Public Law 106–135), which found that five of eight trail segments studied fully met the criteria for national historic trails. The National Park Service, in testimony before the National Parks, Forests and Public Lands Subcommittee on May 15, 2007, recommended historic trail designation for these five segments.

The bill would allow the NPS to acquire non-federal land along the trail only by the consent of the landowner; the study anticipates no fee-simple acquisition.

#### COMMITTEE ACTION

H.R. 1388 was introduced on March 7, 2007, by Rep. John P. Sarbanes (D–MD). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on National Parks, Forests and Public Lands. On May 15, 2007, the Subcommittee held a hearing on the bill.

At the Full Committee markup on June 27, 2007, the Subcommittee on National Parks, Forests and Public Lands was discharged from further consideration of the bill. Rep. Sarbanes offered an amendment in the nature of a substitute making three mostly technical changes requested by the National Park Service. These clarified the extent of the trail and included changes relating to the provision of interpretive services and programs and for technical assistance. The amendment also added a map reference to a new map, which shows only the five trail segments to be designated by the bill.

The amendment was agreed to by voice vote. The bill, as amended, was then ordered favorably reported by a rollcall vote of 23 yeas and 10 nays, as follows:

**Committee on Natural Resources**  
U.S. House of Representatives  
110<sup>th</sup> Congress

Date: June 28, 2007

Convened:

Adjourned:

Meeting on: Markup of HR 1388 - (Final) Favorably reported to the House of Representatives, as amended, by a roll call vote of 23 yeas and 10 nays.

☒ Recorded Vote

Vote # 1

Total: Yeas: 23

Nays: 10

MEMBERS	Yea	Nay	Pres	MEMBERS	Yea	Nay	Pres
Mr. Rahall, WV	✓			Mr. Jindal, LA			
Mr. Young, AK		✓		Mrs. Bordallo, VI	✓		
Mr. Miller, CA				Mr. Gohmert, TX			
Mr. Saxton, NJ	✓			Mr. Costa, CA	✓		
Mr. Markey, MA	✓			Mr. Cole, OK	✓		
Mr. Gallegly, CA				Mr. Boren, OK	✓		
Mr. Kildee, MI	✓			Mr. Bishop, UT		✓	
Mr. Duncan, TN				Mr. Sarbanes, MD	✓		
Mr. DeFazio, OR				Mr. Shuster, PA			
Mr. Gilchrest, MD	✓			Mr. Hinchey, NY	✓		
Mr. Faleomavaega, AS	✓			Mr. Heller, NV		✓	
Mr. Cannon, UT				Mr. Kennedy, RI	✓		
Mr. Abercrombie, HI				Mr. Sali, ID		✓	
Mr. Tancredo, CO				Mr. Kind, WI	✓		
Mr. Ortiz, TX				Mr. Lamborn, CO		✓	
Mr. Flake, AZ		✓		Mrs. Capps, CA	✓		
Mr. Pallone, NJ	✓			Ms. Fallin, OK			
Mr. Pearce, NM		✓		Mr. Inslee, WA	✓		
Mrs. Christensen, VI	✓			Mr. McCarthy, CA		✓	
Mr. Brown, SC		✓		Mr. Mark Udall, CO			
Mrs. Napolitano, CA	✓			Mr. Baca, CA	✓		
Mr. Fortuño, PR				Ms. Solis, CA	✓		
Mr. Holt, NJ	✓			Ms. Herseth, SD			
Mrs. McMorris Rodgers, WA		✓		Mr. Shuler, NC			
Mr. Grijalva, AZ	✓						
				<b>Total</b>	23	10	

Markups - 1/3 to meet (16), 25 to report  
July 11, 2007 (10:32am)

#### COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

#### COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. General Performance Goals and Objectives. This bill does not authorize funding and therefore, clause 3(c)(4) of rule XIII of the Rules of the House of Representatives does not apply.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

#### *H.R. 1388—Star-Spangled Banner National Historic Trail Act*

H.R. 1388 would amend the National Trails Systems Act to designate the Star-Spangled Banner Trail as a National Historic Trail. The trail of nearly 300 miles would cover parts of Virginia, Maryland, and the District of Columbia. The National Park Service (NPS) would administer the trail and coordinate the efforts of public and private entities on trail administration, planning, development, and maintenance.

Based on information provided by the NPS and assuming the availability of appropriated funds, CBO estimates that establishing, developing, and administering the proposed historic trail would cost about \$2 million over the 2008–2012 period. Of this amount, we estimate that the NPS would spend about \$300,000 over the next two years to prepare a comprehensive management plan for the trail. We estimate that the remaining \$1.7 million would be spend over the following three years for archeological surveys, development of access sites, and interpretive materials.

H.R. 1388 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

On May 31, 2007, CBO transmitted a cost estimate for S. 797, the Star-Spangled Banner National Historic Trail Act, as ordered reported by the Senate Committee on Energy and Natural Resources on May 23, 2007. The two bills are identical, as are the CBO cost estimates.

The CBO staff contacts for this estimate are Deborah Reis and David Reynolds. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

#### COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates.

#### EARMARK STATEMENT

H.R. 1388 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e) or 9(f) of rule XXI.

#### PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

#### CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in *italic* and existing law in which no change is proposed is shown in roman):

### NATIONAL TRAILS SYSTEM ACT

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#### NATIONAL SCENIC AND NATIONAL HISTORIC TRAILS

SEC. 5. (a) National scenic and national historic trails shall be authorized and designated only by Act of Congress. There are hereby established the following National Scenic and National Historic Trails:

(1) \* \* \*

\* \* \* \* \*

(—) *STAR-SPANGLED BANNER NATIONAL HISTORIC TRAIL.*—

(A) *IN GENERAL.*—*The Star-Spangled Banner National Historic Trail, a trail consisting of water and overland routes totaling approximately 290 miles, extending from Tangier Island, Virginia, through southern Maryland, the District of Columbia, and northern Virginia, in the Chesapeake Bay, Patuxent River, Potomac River, and north to the Patapsco River, and Baltimore, Maryland, commemorating the Chesapeake Campaign of the War of 1812 (including the British invasion of Washington, District of Columbia, and its associated feints, and the Battle of Baltimore in summer 1814), as generally depicted on the map titled “Star-Spangled Banner National Historic Trail”, numbered T02/80,000, and dated June 2007.*

(B) *MAP.*—The map referred to in subparagraph (A) shall be maintained on file and available for public inspection in the appropriate offices of the National Park Service.

(C) *ADMINISTRATION.*—Subject to subparagraph (E)(ii), the trail shall be administered by the Secretary of the Interior.

(D) *LAND ACQUISITION.*—No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the United States for the trail except with the consent of the owner of the land or interest in land.

(E) *PUBLIC PARTICIPATION.*—The Secretary of the Interior shall—

(i) encourage communities, owners of land along the trail, and volunteer trail groups to participate in the planning, development, and maintenance of the trail; and

(ii) consult with other affected landowners and Federal, State, and local agencies in the administration of the trail.

(F) *INTERPRETATION AND ASSISTANCE.*—Subject to the availability of appropriations, the Secretary of the Interior may provide, to State and local governments and nonprofit organizations, interpretive programs and services and technical assistance for use in—

(i) carrying out preservation and development of the trail; and

(ii) providing education relating to the War of 1812 along the trail.

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